

**38-11-104 Board.**

- (1) There is created the Residence Lien Recovery Fund Advisory Board consisting of:
  - (a) three individuals licensed as a contractor who are actively engaged in construction on owner-occupied residences;
  - (b) three individuals who are employed in responsible management positions with major suppliers of materials or equipment used in the construction on owner-occupied residences; and
  - (c) one member from the general public who has no interest in the construction on owner-occupied residences, or supply of materials used in the construction on owner-occupied residences.
- (2) The board shall be appointed and members shall serve their respective terms in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be to:
  - (a) advise the division with respect to informal adjudication of any claim for payment from the fund and any request for a certificate of compliance received by the division;
  - (b) act as the presiding officer, as defined by rule, in formal adjudicative proceedings held before the division with respect to any claim made for payment from the fund;
  - (c) advise the division with respect to:
    - (i) the general operation of the fund;
    - (ii) the amount and frequency of any assessment under this chapter;
    - (iii) the amount of any fees required under this chapter;
    - (iv) the availability and advisability of using funds for purchase of surety bonds to guarantee payment to qualified beneficiaries; and
    - (v) the limitation on the fund balance under Section 38-11-206; and
  - (d) review the administrative expenditures made by the division pursuant to Subsection 38-11-201(4) and report its findings regarding those expenditures to the executive director on or before the first Monday of December of each year.
- (4) The attorney general shall render legal assistance as requested by the board.

Amended by Chapter 42, 2004 General Session